

COMPLIANCE BOARD OPINION NO. 99-14

August 26, 1999

*Mr. Charles J. Kiker*  
*Vice Mayor, Town of Morningside*

The Open Meetings Compliance Board has received your undated letter in which you lodge a complaint against a member of the Town Council of Morningside. The gist of your complaint is that the council member in question had discussed the content of a closed session without authorization.

The Compliance Board does not have jurisdiction to respond to the substance of your complaint. This is so because the Open Meetings Act gives the Compliance Board authority only when a complaint involves “a public body.” This limitation is found in several provisions: Under §10-502.5(a) of the State Government Article, “any person may file a written complaint with the Board seeking a written opinion from the Board on the application of [the Open Meetings Act ] to the action of *a public body* covered by [the Act].” Under §10-502.5(b)(2), a complaint is to “identify *the public body*, specify the action of the *public body*, the date of the action, and the circumstances of the action.” Under §10-502.5(c)(1) the Compliance Board is to “promptly send the complaint to *the public body* identified in the complaint ....” Under §10-502.5(c)(2), “the *public body* shall file a written response to the complaint ....” Under §10-502.5(g), the Compliance Board’s written opinion is to be sent to the complainant “and to the affected *public body*.”

Yours is a complaint about an individual member of the Morningside Town Council, not a public body. Therefore, the Compliance Board has no jurisdiction with regard to the complaint.

OPEN MEETINGS COMPLIANCE BOARD

Walter Sondheim, Jr.  
Courtney McKeldin  
Tyler G. Webb